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SANTA FE CITY COUNCIL MEETING

April 9, 2003

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None.

MATTERS FROM CITY CLERK

None.

MATTERS FROM CITY ATTY

None.

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None.

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None.

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None.

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MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY

Santa Fe, New Mexico

April 9, 2003

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico was called to order on this date at approximately 4:00 p.m. in City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, Roll Call indicated the presence of a quorum, as follows:

Members Present:

Mayor Larry A. Delgado
Councilor Carol Robertson Lopez, Mayor *Pro Tem*
Councilor Patti J. Bushee
Councilor Miguel M. Chavez
Councilor David Coss
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor David Pfeffer
Councilor Rebecca Wurzbarger

Members Excused:

None.

APPROVAL OF AGENDA

Councilor Lopez expressed concern about the crowded agenda under Public Hearings, and proposed that the following items be postponed to the next meeting, April 30:

- G5. "Boom Box" ordinance.
- G6. Ordinance relating to carnivals and circuses.

Councilor Lopez also suggested that Items G8 and G9 be postponed to the next meeting, given that the neighbors have worked extensively on these issues and could find themselves waiting until very late in the evening to be heard:

- G8. Case M 2002-47. Kachina Ridge/Avenida de las Americas realignment.
G9. Case ZA 2002-17. Kachina Ridge — 14 lot rezoning.

Councilor Heldmeyer noted that Item G7 was near Kachina Ridge and might warrant postponement as well:

- G7. Case M 2002-46. Fullerton/Withers Property General Plan Amendment.

Responding to questioning from Councilor Lopez, City Clerk Yolanda Vigil stated that the April 30 agenda was already “pretty packed,” with three land use items that would take some time to get through. She said it might be possible to postpone one of the items, which has not yet been advertised.

Councilor Bushee said she personally saw no reason for postponing any of these items, given that the April 30 agenda is already crowded.

Councilor Ortiz moved to postpone Items G5, G8 and G9 to the April 30 meeting. Councilor Pfeffer seconded the motion, which passed on the following roll call vote:

For: Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer.

Against: Councilor Bushee; Councilor Chavez; Councilor Wurzburger.

Councilor Wurzburger moved approval of the agenda, as amended. Councilor Pfeffer seconded the motion, which passed 8-0 by voice vote, with Councilor Bushee, Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor Wurzburger voting for, and none against.

APPROVAL OF CONSENT CALENDAR

Upon motion by Councilor Ortiz, seconded by Councilor Wurzburger, the Consent Calendar was approved, as amended, on the following Roll Call vote:

For: Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee.

Against: None.

- a) Bid No. 03/42/B – Eight Reagentless Fluoride Analyzers for Water Division; Controls West, Inc.
- b) Bid No. 03/47/B — Cascade System for Fire Division; Artesia Fire Equipment, Inc.
- c) Request for Approval of Trail Easement Agreement — Trail Dedication; Wofford Family Limited Partnership.
- d) Request for Approval of Land Exchange for Lot Configuration — Vista del Sol Subdivision; Neighborhood Housing Services of Santa Fe — Tierra Contenta.
- e) Request for Approval of Procurement Under Federal Price Agreement — Digital Copier for Mail & Duplicating Office; Rocky Mountain Business Systems.
- f) Request for Approval of Budget Increase — Community Resource Directory Publication; Program Fund.
- g) Request for Approval of Amendment No. 2 to Professional Services Agreement — Stenographic Services; Melessia Helberg.
- h) Request for Approval of Professional Services Agreement — Create and Install Artworks in Las Acequias Park (RFP No. 2002/48/P); Cynthia Patterson and Hank Saxe dba Saxe & Patterson, Inc.
- i) Request for Approval — Loan Art Program and Art in Public Places Loan Agreement.
- j) Request for Approval of Change Order No. Three (Final) to Contract — Runway 10-28 Reconstruction; JR Hale Contracting Co., Inc.
- k) Request for Approval of Professional Services Agreement — Sampling, Monitoring and Engineering Services for Paseo de Vista Landfill, Frank Ortiz Park and Solid Waste Transfer Station (RFP No. 2003/16/P); URS Corporation.
 - 1. Request for Approval of Budget Transfers — Solid Waste Operations Enterprise Fund.
- l) Request for Approval of Two Amendments No. 1 to Community Development Block Grant (CDBG) — First Time Homebuyer Assistance Program.
 - 1. Neighborhood Housing Services of Santa Fe.
 - 2. Santa Fe Community Housing Trust.
 - 3. Request for Approval of Budget Transfers — Grant Funds.

- m) [Removed by Councilor Coss for discussion.]
- n) **CONSIDERATION OF RESOLUTION NO. 2003-34 (Mayor Delgado)**
A Resolution Amending the Number of Members on the Mayor's Youth Advisory Board.
- o) [Removed by Councilor Coss for discussion.]
- p) [Removed by Councilor Bushee for discussion.]
- q) [Removed by Councilor Chavez for discussion.]

APPROVAL OF MINUTES: March 26, 2003

Councilor Bushee moved for approval of the March 26 minutes, as submitted. Councilor Coss seconded the motion, which passed 7-0 by voice vote, with Councilor Bushee, Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz and Councilor Pfeffer voting for, and none against. [Not present for this action: Councilor Wurzbarger.]

PRESENTATIONS

Fore Kids Golf Fundraiser. (Councilor Chavez)

Former City Councilors Peso Chavez and Molly Whitted presented a check for \$22,000 to the City Council, which were the proceeds from the annual Fore Kids Golf Fundraiser held at the Marty Sanchez Links de Santa Fe. He stated that the proceeds would provide approximately 2,000 scholarships for use by young people at the Genoveva Chavez Community Center and the Marty Sanchez Links de Santa Fe. He thanked the business community for helping to make this possible.

Ms. Whitted also reminded Councilors that April 26 was Spring Cleanup Day.

3-AAA St. Michael's Horseman Basketball State Champions. (Coach Matt Pribble)

Certificates of appreciation were presented to the team members and coaches and assistant coaches. Coach Pribble thanked the Governing Body for its support over the past few years.

**Santa Fe Scorch 2002-2003 State Composite Team Champions
(Melissa Peterson)**

Mayor Delgado commented, "I was born and raised in Santa Fe, and if somebody had said to me that in 2002-2003 you were going to have hockey state champions — well, it really happened."

Scorch head coach Paul DeVencentis thanked the Council for recognizing the team champions. He said this is the third year for hockey in Santa Fe; so winning the championship is obviously a great accomplishment for a new team and a new program.

18th Annual Easter Event — Saturday, April 19, 2003. (Darlene Ortega)

Parks Department representative David Soveranez and Tenille Bass invited the Governing Body to the 18th Annual Easter Event on April 19, which would have approximately 4,500 participants. Tee shirts and other gifts were presented to the members of the Governing Body.

CONSENT CALENDAR DISCUSSION

**m) CONSIDERATION OF RESOLUTION NO. 2003-35. (Councilor Coss)
A Resolution to Establish a Water Conservation Budget
Based on Recommendations From the Water Conservation
Committee for Use of the \$500,000 From the City of Santa Fe's
Water Conservation Fund.**

Councilor Coss said that the \$500,000 should be lowered to \$420,000 based on revenues going into the Fund.

Councilor Coss stated that the amount should be accordingly changed in the resolution on page 1, line 20, as well as reducing the amount listed in Exhibit B of the resolution by \$80,000, to be taken from the Rebate Program and Revolving Loan program. He said it was felt wiser to take the amounts from new programs and leave intact the amount originally put into education programs.

Councilor Coss moved for approval of the resolution, with those amendments, and including the amendments in the packet. Councilor Lopez seconded the motion, which passed on the following Roll Call vote:

For: Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez.

Against: None.

Responding to questioning from Councilor Bushee, City Manager Jim Romero said the rain barrel program was already underway, and staff felt the price range should stay at the same level as last year. He also stated that the City would relay information to the community on what will be available from the Fund.

**o) CONSIDERATION OF RESOLUTION NO. 2003-36. (Councilor Coss)
A Resolution Supporting the Declaration of April 21-27, 2003
as National "TV Turnoff Week."**

At Councilor Coss' request, Shelly Mann from the Santa Fe Public Schools made a presentation on this event, which involved collaboration from 20 groups and individuals in the community. She said all of the materials have been produced in English and Spanish, and 24 schools will be participating.

Ms. Mann said the average American adult spends four hours daily watching television, and the average American child spends three hours a day watching television. She also noted that Santa Fe middle and high school students have reported spending three or more hours per day watching television. She stated that the average parent spends only 38 minutes per week communicating with their child; additionally, television watching promotes violent behavior among children.

Councilor Coss moved for approval. Councilor Bushee seconded the motion, which passed on the following Roll Call vote:

For: Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss.

Against: None.

**p) CONSIDERATION OF RESOLUTION NO. 2003-37.
(Councilor Pfeffer, Councilor Bushee, Councilor Coss, Councilor
Heldmeyer and Councilor Ortiz)
A Resolution Directing Staff to Work With Local Non-profit
Organizations and the Business Community to Improve the
Safety of People Targeted by Perpetrators of Sexual Assault
and Other Forms of Violence.**

Councilor Bushee stated that the Santa Fe Rape Crisis Center has suggested some amendments to this resolution, which she would propose after a brief presentation from Police Chief Beverly Lennen.

Chief Lennen said the Police Department has entered into a partnership with several nonprofits — the District Attorney’s Office, Children, Youth & Families, Sexual Assault and Nurse Examiners, and others. She said they operate as a multi-disciplinary team to assist victims and survivors of sexual assault. She stated that these partnerships have been very positive and have increased the number of rapes being reported. She said the figures also reflect an increase in successful prosecutions.

Chief Lennen stated that this resolution, contrary to what the media has suggested, “is not as much to encourage staff and the not-for-profits to have a better partnership; it’s to include the one missing piece regarding this problem, and that’s our community at large.” She said, “Sexual assault will not be treated in this community as if it’s a dirty little secret. It is one that we acknowledge, and it is one that we are taking on and going forward with zero tolerance for the offenders.”

Karen Cheman of the Rape Crisis Center said they were very excited to be able to work with the Council, staff, and the rest of the community on this very important issue.

Councilor Pfeffer said staff and volunteers at the Rape Crisis Center have submitted a list of potential “talking points” from which have come ideas that include treating the downtown area as a college campus, since colleges take certain actions to increase safety, e.g., a buddy system, guardian angels, etc. He stated that they hope to see the Santa Fe Restaurant Association and the bars and hotels join this effort.

Councilor Bushee moved for approval, with amendments included in the packet as well as the list of eight amendments submitted by the Rape Crisis Center (submitted with these minutes as Exhibit “A”).

Councilor Pfeffer seconded the motion.

Referring to item 6 on the list, which referred to the Siringo Road Trail, Councilor Ortiz said he assumed that was the Arroyo Chamiso Trail, where there have been a couple of incidents.

Chief Lennen confirmed that it was the Arroyo Chamiso Trail where there have been a number of incidents, specifically near the high school and the Genoveva Chavez Center.

Councilor Bushee suggested changing that to “any trail in the city” provided the infrastructure is available.

There was no objection to changing the language as suggested.

The motion passed on the following Roll Call vote:

For: Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzbarger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer.

Against: None.

**q) CONSIDERATION OF RESOLUTION NO. 2003-38.
(Councilor Chavez)
A Resolution in Support of the Jemez y Sangre Regional Water
Plan.**

Councilor Chavez said he had pulled this item off of the Consent Calendar so staff could make a brief presentation on the Jemez y Sangre Regional Water Plan.

Water Resource Projects Coordinator Rick Carpenter distributed and reviewed his memorandum to the Council, which described the need to expedite approval of this resolution. He said this resolution will have to go before the Interstate Stream Commission to become part of the overall State water plan, and the ISC meets on April 23 and will not reconvene for three or four months after that. *[Memorandum submitted with these minutes as Exhibit “B.”]*

Amy Lewis, former City hydrologist, presented some background on the Jemez y Sangre Water Planning Council, which was created in 1998 and comprises 24 members, including all cities and counties in the region from Embudo down to Galisteo and including Los Alamos.

Ms. Lewis stated that the \$600,000 received by the Water Planning Council in funding has been used to do a water supply assessment, population projections to 2060, and a legal analysis and comprehensive plan. She said the plan looks at several alternatives for meeting projected demand (31,500 acre-feet by 2060 — which means there is a demand gap), but also talks about the actions to protect the existing supply — whether demand should be increased at all in the future. She commented, “We still have problems because the existing supply is vulnerable.”

Ms. Lewis stated that the Plan does not dictate how communities should solve the projected gap, but lays out the options for addressing it. She stressed that the gap cannot be entirely addressed through water conservation, or through the San Juan-Chama diversion, but will require a combination of strategies.

Ms. Lewis commented that the City of Santa Fe has been a leader in several of the Plan’s recommended areas, including conservation, implementing a stormwater ordinance, distributing rain barrels, and so on.

Ms. Lewis said the Planning Council would like to continue — contingent on funding — as an entity to pursue implementation of some of the things that protect the resource, e.g., creating critical management areas, which will require working with the State Engineer Office to deal with the proliferation of domestic wells. She said 7,000 domestic wells were drilled in New Mexico last year.

Councilor Chavez moved for approval. Councilor Bushee seconded the motion.

Councilor Chavez commented that perhaps it would be useful to include another “whereas” in the resolution mentioning incorporation into the Statewide Water Plan.

Assistant City Attorney Kyle Harwood suggested that it would make better sense to look to the ISC on how it wants to schedule and fit the Plan into the statewide program.

Councilor Bushee said she would encourage another presentation on this Plan before the Public Utilities Committee. She commented that the demand increase of 31,500 acre-feet by 2060 is serious, and she wanted to hear what other communities in the region have considered in trying to meet that increased demand.

Councilor Ortiz said he supported the Plan, but continued to be concerned that pueblo water use has never been a part of this Plan and that the pueblos have “been observers and not participants” in this process. He said he looked forward to the time when the Water Planning Council delivers a report on the

uses that the Native Americans have with their water and what their expected demand and supply sources are.

Ms. Lewis clarified that the pueblo water demands are a part of the projections, which she would be glad to review at the PUC. She added that the pueblos have been at nearly every meeting of the Planning Council, and there is a pueblo subcommittee. She said the pueblos are considering adoption of the Plan and are represented by their attorney, Peter Chestnut; and Lee Wilson, consultant to the City on water rights acquisition.

The resolution was adopted on the following Roll Call vote:

For: Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez.

Against: None.

In voting, Councilor Wurzburger said her one concern was that, in adopting this resolution, in no way would it interfere with the very important regional work that the County and City have to do with respect to water planning and the specific adoption of strategic alternatives. She said the resolution conveys the Council's intention to review the alternatives, and does not say that the City or County will be adopting all of the alternatives.

[Conclusion of Consent Calendar discussion.]

**REQUEST FOR APPROVAL OF PURCHASE AGREEMENT —
SWITCHGEARS AND TRANSFORMERS; SUPPLEMENTAL BUCKMAN
WELLS 10-13; WESCO DISTRIBUTION, INC.**

Staff member Rick Carpenter stood for questions.

Councilor Ortiz moved for approval. Councilor Lopez seconded the motion, which passed on the following Roll Call vote:

For: Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz.

Against: None.

MATTERS FROM THE CITY MANAGER

None.

MATTERS FROM THE CITY ATTORNEY

None.

MATTERS FROM THE CITY CLERK

None.

RECESS: 5:30 p.m.

EVENING SESSION

The Evening Session of the City Council Meeting was called to order at approximately 7:00 p.m. in City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, Roll Call indicated the presence of a quorum, as follows:

Members Present:

Mayor Larry A. Delgado
Councilor Carol Robertson Lopez, Mayor *Pro Tem*
Councilor Patti J. Bushee
Councilor Miguel M. Chavez
Councilor David Coss
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor David Pfeffer
Councilor Rebecca Wurzbarger

Members Excused:

None.

PETITIONS FROM THE FLOOR

Gloria Mendoza

Ms. Mendoza stated that, a few weeks ago, *The New Mexican* published a photograph of “a bunch of *empelotas* — naked women — and I want to know where they got their permit through the City of Santa Fe to sit stark naked in our city.”

City Manager Jim Romero clarified that no permit was sought from this group.

Ms. Mendoza said she would therefore like to “warn you that there might be about 150 Hispanic women that are going to get *empelotas* on Alto Park, and I want to know if you’re going to arrest us for indecent exposure and because we’re on the Westside and why you didn’t arrest anybody on the Eastside that did this.”

Ms. Mendoza stated that these women, who sat on International Women’s Day in protest of the war, “disgraced our town and made a mockery out of Santa Fe.”

APPOINTMENTS

None.

PUBLIC HEARINGS

CONSIDERATION OF RESOLUTION NO. 2003-39. (Mayor Delgado) A Resolution Declaring Support for President George W. Bush and the U.S. Military Troops Currently Engaged in Military Operations in Iraq.

Mayor Delgado read the following statement: "The City Council considers this resolution to raise important issues. Because of the importance of these issues, the City Council is asking for public comment before it acts. Some people have indicated a desire to bring signs, posters, banners, flags or other items into the Council Chambers in support of their position. Such actions may impair the audience's ability to participate and distract the Council's ability to concentrate on the statements being made. Such actions are not consistent with the process of deliberation, which these issues deserve. The City will continue to do everything it can to support those who publicly demonstrate in this city. Those who wish to demonstrate tonight should do so outside Chambers. I respectfully request on behalf of the City Council that each person respect the rights of everyone who has come here tonight to make their position known."

Mayor Delgado read the resolution and also stated that he has just learned that 74 people from the Santa Fe are serving in Iraq.

The floor was opened to public comment against the resolution, with a one-minute time limit for each speaker.

Linda Hibbs

Ms. Hibbs stated that she was in Washington, D.C. and New York with Virginia Miller and other council members and mayors and citizens representing all of the cities across the country that voted resolutions opposing the war.

Ms. Hibbs read a resolution from Cities for Peace, comprising 163 cities to date. *[Packet submitted by Ms. Hibbs, which includes the Cities for Peace resolution, submitted with these minutes as Exhibit "C."]*

Elliot Skinner

Mr. Skinner, a faculty member at St. John's College and a member of the Religious Society of Friends, said he supports military people everywhere as well as the Iraqi conscripts. He said the resolution under consideration places importance on the United Nations, which is the way the City Council functions. He said, "You study, you talk with one another, you deliberate, you're not impatient, and I think you see that in the United Nations. And on this grassroots level here in Santa Fe we have an entity, which has to be mirrored in the world, and so for that reason I do not support any kind of praise of Mr. Bush in this. I think he's impatient, he's reckless."

Natasha Williamson

Ms. Williamson commended the Chief of Police and her police officers. She said that, in reading what is happening in other cities around the country, "our police are intelligent, they're cool, they do not play sides, they're doing their job."

Ms. Williamson said she supports the troops everywhere, and "I also like to support them when they come home, unlike Mr. Bush, who just cut \$9.7 billion from the VA. I ask you, Mr. Mayor, how long are we supposed to support the president? Are we supposed to support him in Iraq? How about if he goes into Syria? Into Iran? Into North Korea?.... When do we draw the line? When do we stand up and say, enough of making America into a bully in the world instead of following the ideals that made us the great country that we are?"

Dominique Marzeau

Ms. Marzeau, an American citizen and a French citizen, said she was born in Paris in 1942 and forever will be grateful to the U.S. and allies for what they did for France. She said this is the third millennium, and is the "time for peace and the time for nations to pull together." She said she prays for the troops but does not support President Bush.

Virginia Miller

Ms. Miller stated that the Bush administration has placed U.S. troops and Iraqi civilians in harm's way, and is now committing atrocities and war crimes fighting an unjustified, illegal and immoral war of aggression against the Iraqi people. She said the primary purpose of the UN is to preserve world peace and security, and the U.S. agreed to settling its disputes peacefully. She stated that the U.S. troops are being put in the position of violating international law and participating in war crimes. She said, "We must support our troops in refusing to fight or obey orders against their consciences."

Amy Bunting

Ms. Bunting stated that she did not support President Bush because he has “forced our young men and women into an illegal war that has nothing to do with the defense of this country. The United Nations charter is very clear that no nation shall wage a preemptive war against another nation, which is exactly what Bush has done.” She said President Bush has “lied to the troops and all of us by not telling us that bombing Saddam really meant killing many Iraqi people and that this was going to make us all safer.”

Alia Munn

Ms. Munn stated, “We are not the world police, as Bush thinks. This resolution is an outright slap in the face to the citizens of Santa Fe who have worked so hard for peace and justice who thought, up until now, that the leaders of our City Different were listening to us, the majority.”

Doug Doran

Mr. Doran stated, “I think there is nothing more disrespectful than to co-opt the patriotic dignity of my father’s sacrifice to this country.” He referred to a March 25, 2003, letter from Rep. Henry Waxman, reporting on the progress of his lawsuit to get information from Vice President Richard Cheney regarding energy meetings.

Oceana

Oceana said she supports the troops abroad and has “great compassion for their naiveté and blind rush to duty.” She told Mayor Delgado, “You obviously have been given a mandate from higher up to promote this resolution, as 8,000 people marched for peace here in Santa Fe recently. Are you no longer serving we, the people? Take Dubya out and vote yes to support our men.”

Tom Knoblauch

Mr. Knoblauch, co-chair of the Santa Fe Green Party, stated that the Green Party supports the troops and cares about their health and safety, but the “selected President of the United States has perpetrated an illegal and immoral invasion of a sovereign nation under the pretext of liberation and to prevent further terrorist attacks. These arguments are the exact ones Adolph Hitler made for his invasions of Austria and Poland.” *[Mr. Knoblauch’s statement is submitted herewith as Exhibit “C.1” to these minutes.]*

Keith Waller

Mr. Waller, veteran of the U.S. Army from 1969-1971, said he is a member of Veterans for Peace, which is giving blood to support the troops. He said he could not support any resolution that supported President Bush, and suggested the Council consider a simpler resolution offering support to the troops only.

Mr. Waller commented, "Until we realize that a 19 year old Iraqi boy is as important as our 19 year old boy, we'll do this 'til the end of time. Violence makes more violence. I think everybody in this room knows it, and to pass this resolution is to say, let's continue that. I say it's time to stop."

Diane Feinberg

Ms. Feinberg stated that the Council should support the troops, but not President Bush. She said the U.S. should stop using depleted uranium and should pay its veterans for the service they have done and give them the benefits they were promised.

David Bacon

Mr. Bacon stated that President Bush "is a liar, and this war is based on lies. It's based on EIA estimates that our oil use has gone up to nearly 20 million barrels a day.... We've let George Bush lie us into this war. He has endangered thousands of American lives and Iraqi lives, he's destabilized the Middle East, he's put us all at much greater risk of personal danger — all because he hasn't done the work to bring this country into line with the 21st Century energy policy that would switch us to renewable energy."

Jim McCabe

Mr. McCabe said he did not understand why the City Council is entertaining this resolution, which "puts apples and oranges together.... You want us to support our troops, which we do, and yet you want us to support a man who was not legally elected and who has seen fit to totally disregard the world community."

Lydia Clark

Ms. Clark, New Mexico State Green Party co-chair, read an except from a statement by former Sen. George McGovern, who said, "Thanks to the most crudely partisan decision in the history of the Supreme Court, the nation has been given a president of painfully limited wisdom and compassion, and lacking any sense of the nation's true greatness.... He has set the nation on a course for one-man rule.... We hear much talk these days, as we did during the Vietnam War, of supporting our troops, but I believed then, as I do now, that the best way

to support our troops is to avoid sending them on mistaken military campaigns that needlessly endanger their lives and limbs.”

Andrew Davis

Ms. Davis said he thought it important in these times to remain faithful to one’s own ideas and consistent in one’s thinking and one’s decisions. He commented, “This war was a bad idea before it started. The war is a bad idea now, and in retrospect it will be seen to be a bad idea. I think to vote to support the architect of this war is a betrayal of both our collective intelligence and of our responsibility as citizens.”

Steven Carrillo

Mr. Carrillo said he did not support this resolution with George Bush’s name in it, since he was “the worst kind of president a democratic society could have. He’s an idiot, a boy monarch.... He has reduced diplomacy to schoolyard bullying and has ignored international law.”

Mr. Carrillo commented that everyone supports the troops, but Mr. Bush has cut VA benefits.

Robert Green

Mr. Green said he was dismayed that the Mayor would “elect a time like this to bring such a divisive issue when it has already been settled.” He said, “Let’s keep in mind that this war is about one issue and one issue only. It’s about oil. And not one of the 74 residents of this town is worthy of dying because of oil, and neither is anyone else in this world. How can you say you support this man who has gone there for oil?”

Mr. Green said he was a veteran of the Korean War and was in the Air Force from 1950 to 1954. He stated, “I had relatives die in the First World War, in the Korean War I had friends die. I don’t need to see one more war and I don’t think anybody in this community should have to either, and by supporting this President, you’re supporting the ilk that goes with him, who is suppressing our civil liberties.”

Agnes Moses

Ms. Moses, president of the NAACP, stated that the NAACP is against the war, but supports the troops. She said, “They are our brothers and sisters, our children, our mothers and fathers, and we are against sending them to be killed and to come back to what, when President Bush has cut the veterans amenities?”

Robert Zinn

Mr. Zinn, a member of Veterans for Peace, said he was proud of the Council for passing an anti war resolution last fall, and “cannot for the life of me understand why you would want to hitch our horses to this bloody, illegal, immoral wagon and spread that blood on our innocent hands.”

Bob Moses

Mr. Moses, president of the New Mexico Voter Services Coalition, and a veteran of WW II, said the U.S. Constitution only gives the power to declare war to the U.S. Congress, but Congress gave up that power and gave it to the President in a resolution. He said there would be recriminations for that.

Fred Flatt

Mr. Flatt suggested that the tax refunds that George Bush proposes for the rich be given to the troops as a pay raise. He added that Mr. Bush repeatedly lied to the public in making various campaign promises.

Daniel Pieburn

Mr. Pieburn stated that President Bush, during his recent trip to Belfast, said “God Bless America and God Bless the British,” but didn’t say anything about the Iraqis. Mr. Pieburn said everyone on the planet deserves to be blessed.

Mr. Pieburn said he was deeply opposed to the war and this resolution, which includes “the administration and regime of someone who is no means a reflection of myself or my family.”

Dean Williamson

Mr. Williamson stated that obviously everyone should support the troops and their safe return. He said this war did not have to happen. He stated that Congress, which is given authorization through the Constitution to declare war, abdicated that duty without debate, and left the citizens “sitting around waiting, like waiting for the whim of a king, as to whether or not we were going to war.” He questioned even mentioning George Bush’s name “in the same breath as support for the troops.”

Carolyn Kenney

Ms. Kenney said this resolution was unnecessary. She said obviously she wants the troops to return safely, and questioned why people should even be

asked how they stand on such an issue. She stated that the resolution was divisive, “playing into the hands of those who equate dissent with lack of patriotism.”

Charles Scott

Mr. Scott stated that, up until two weeks ago, he was deeply conflicted about this war and might have spoken in favor of this resolution: “Up until that time, I was clearly told that this war was a preemptive, self defensive action to eliminate weapons of mass destruction. Then about two days ago I was watching a Pentagon news conference and I heard Secretary of Defense Donald Rumsfeld say that it really does not matter whether weapons of mass destruction are found in Iraq. I have no doubt now that I was intentionally lied to by my government. I wonder how many others now feel that spin is one thing but a conscious policy to deceive the public... undermines the very foundation of democracy.

“Mr. Mayor, I’m a Jew who was born in Austria in 1932. I know propaganda when I hear it.”

Erica Wheeler

Ms. Wheeler urged the Council to vote against the resolution. She said the Council’s primary duty is to represent the wishes of its constituents, the majority of whom do not support the President or this war. She asked the Council not to “allow yourselves to become confused by the idea of supporting the troops with the idea of supporting the President, or his decision to attack a sovereign nation that never posed an immediate threat to our country.”

Sue

Sue said she saw this resolution as “a huge mistake.” She pointed out that Iraq was already being disarmed through diplomatic means, and the Bush administration has shown “utter contempt for public opinion both at home and abroad.”

Michael Lujan

Mr. Lujan stated, “Politics aside, this is not a just thing that’s happening. If you look at this as a person or a citizen, and you understand what this country stands for, and you look at our Constitution and our Bill of Rights and the way that government works, we’re not following that now, and that hasn’t been happening for the last two years.” He said the Governing Body has a duty, as Americans and as representatives, to stand up when it sees things that are not right.

Valerie Gremillion

Ms. Gremillion said she supported the resolution because it supports the troops and their families, but urged the Council to amend the resolution by removing references to President Bush “and the war that he has chosen against American, international and legal voices.”

Santa Fe High School student

The student did not identify herself but said she disagreed with the way President Bush went about this war: “I feel he has made the whole world hate us.... And he referred to the Middle East as the axis of evil, which Hitler used in Nazi Germany against the Jews. I feel that’s very inappropriate and very offensive.

“I really support the troops, and I honor them for being there, but let’s get them home because I don’t think they have any business being there at this point.”

Celia Ricci

Ms. Ricci said supporting the troops “is a no-brainer” but she questioned support of the President, who authorized the bombing of the Palestine Hotel, which was housing 200 journalists.

Ms. Ricci stated that she was also confused by this resolution because the Council has already adopted a resolution expressing non-support of this war.

Gina Ricci

Ms. Ricci stated that a poll was taken at Santa Fe High School recently about the war, and 92% of the students said they were against it, and 8% said they favored it. She said adopting this resolution would be “telling the rest of the world something that your youth do not believe in, and I hope you can take that into accountability.”

Tim Ardor

Mr. Ardor, a combat veteran of Vietnam who served in the Marines during the Tet offensive near the DMZ, said he is a lifetime member of Disabled American Veterans and is also a member of the Santa Fe Chapter of Veterans for Peace.

Mr. Ardor said he supported the troops but could not support “GW Bush and his administration in this illegal and immoral war.”

Mr. Ardor submitted a letter that stated, in part, that the Council “dishonors our veterans by associating their names in any way with the current administration.” *[Submitted herewith as Exhibit “C.2.”]*

Martin Johnson

Mr. Johnson, a member of Veterans for Peace, stated that President Bush “is not the President. He wasn’t elected. The election in Florida was an utter sham, and anyone who has a light bulb in their head would know that.”

Mr. Johnson noted that the families of the victims of 9-11 have filed suit against many sheiks in Saudia Arabia, many of whom had connections with Harken Oil. He stated, “If people don’t do their homework, I don’t honor them. And I don’t honor this tribunal here that doesn’t do their homework.”

Anna Jacobs

Ms. Jacobs said, “We have blood on our hands. I support the troops; I want them to come home. We have the blood of innocent troops, innocent journalists and certainly many, many, many, many innocent Iraqi people because of a president we didn’t elect who is imposing an illegal war. How can you support that?” She said President Bush’s name should be removed from the resolution.

Consuelo Luz

Ms. Luz said, “Of course we all support our troops. This [resolution] is a manipulating, dividing tactic to separate the anti-war from the pro troops. Of course we all love our boys and girls and want them home. This is a manipulation and a propaganda war that is being forced on the American people to shed blood for the interests of a privileged few who want to dominate the world again in a continuing colonization — it’s now called globalization — which is destroying our planet....”

Bill Carson

Mr. Carson said he flew in the Air Force in the Strategic Air Command as a navigator for four years during the Korean War, and was proud of it, and supported all of the troops in Iraq. He stated, “I cannot support President Bush and his administration. I think it would be a grave error if this Council did, and gave the signal that the city of Santa Fe did.”

Mr. Carson stated that the Bush administration is not only cutting veterans benefits and making eligibility harder, but is reducing the educational aid for the children of active duty service people “while he struts around as though he were a soldier when he avoided active duty with everything he could.”

Alia Valencia

Mr. Valencia, a senior at Santa Fe High School, stated that she did not support President Bush. She said, "As Benjamin Franklin said, 'Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.' And I do not think President Bush deserves his liberty or safety because he has dragged our country into a war that we do not support."

Ms. Valencia stated that President Bush is also not listening to young people to whom this country will be handed over someday, and who are the future and will make a difference.

John Otter

Mr. Otter said the U.S. aggression violates international law, the U.N. Charter, the U.N. Security Council, and the U.S. Constitution. He questioned the effect on U.S. soldiers in knowing that they have participated in an illegal action. He also stated that there will be possible effects on the troops' health and their progeny, as well as the Iraqis, because of the use of depleted uranium in bombs and bullets.

Mr. Otter asked the Council to amend the resolution to reflect that the Council does not support an illegal aggression in Iraq.

Tess Curran

Ms. Curran stated that she could not support a resolution that supports President Bush: "He is not my president; he was not elected by the people. He was selected by the Supreme Court of the State of Florida. In all conscience, I cannot support his actions of invading a sovereign nation and causing the slaughter of hundreds if not thousands of innocent human lives."

Suzanne Hogan

Ms. Hogan, a student studying political science at the College of Santa Fe, asked Councilors to imagine themselves as Iraqi citizens "being terrorized and having to worry about your children going out and having your neighborhood bombed, and see how that feels." She said supporting this resolution was "supporting murder."

Angelo Jaramillo

Mr. Jaramillo thanked the Council for allowing him a minute to exercise his freedom of speech "and following in the fads of fascism that are infecting

Americans these days.” He said he did not support this war nor the massacre “of millions of Iraqi people who had nothing to do with September 11 or pose any threat to America whatsoever.”

Conclusion of public comment against the resolution.

The floor was opened to comment in favor of the resolution, with a one-minute time limit for each speaker.

John Garcia

Mr. Garcia, a Vietnam combat veteran who served in the Fourth Infantry Division from 1969 to 1970. He said he did not vote for George Bush.

Mr. Garcia stated that he took an oath, when drafted, to defend his country and the commander in chief at the time. He said that, in New Mexico, Vietnam veterans are #1 in draftee percentage and third highest in casualty rate, and they also stepped forward to serve this country and the commander in chief.

Mr. Garcia said he was happy to hear the previous speakers support the state’s veterans, but was troubled by cuts in VA funding.

Mark Beasley

Mr. Beasley, state chairman of Disabled American Veterans, New Mexico chapter, said he served in the Marines in 1979 and took part in rescuing Vietnamese boat people who were left adrift off the coast of Thailand. He stated, “I watched the atrocities of what happens when they have countries that we’re going into right now.”

Mr. Beasley said he served in the Persian Gulf in 1980, too, so has first hand experience on what is happening there. He said he was very upset by the events of the past three weeks.

Mr. Beasley spoke in support of the troops, but said he did not vote for George Bush, although he would support him as commander in chief because he took an oath to do so. He said the Council should do the same in adopting this resolution.

Bill Coppola

Mr. Coppola, commander of the VFW 2951 in Santa Fe, thanked the Mayor for authoring this resolution and Councilor Pfeffer “who has come under fire by many people in this room.”

Mr. Coppola said, "We are in support of our troops, and we have to be in support of our Commander in Chief." He reminded the members of Veterans for Peace "to remember the oath that they took. They embarrass me."

Farrell Udell

Mr. Udell questioned why the Council has involved itself in international politics "when Santa Fe is going down the tubes." He said the Council should be paying attention to local business and if it wants to support the troops, it should write to their Congressional representatives, Senators or the President and say so.

Gloria Mendoza

Ms. Mendoza said nothing gave her greater pleasure than to see the Iraqi people on TV today celebrating their freedom. Addressing protestors in the audience who had put blood on their hands for this meeting, she stated that her husband has two Purple Hearts from Vietnam "and would be proud that you have his blood on your hands." She said she did not recognize many of the protestors in the audience and questioned whether they were from Santa Fe. She stated that they were insulting Hispanics, more of whom have been killed in wars than any other race.

Ms. Mendoza questioned how the Council could allow the speakers against this resolution to "bash the government" because they were in effect "bashing you, because you are the government."

Oscar Jordan

Mr. Jordan said he has lived in Santa Fe for more than 50 years and was a Purple Heart veteran of World War II. He stated that opposition will not stop this war at this point, so people should get behind the President and the troops "and get this war over with and get on with the reconstruction of Iraq."

Damian Horne

Mr. Horne, an ex Green Beret Airborne Ranger and an attorney in Santa Fe, said he has lived in Santa Fe for 44 years, where he was born. He stated, "God Bless you guys for introducing this resolution."

Bill Miller

Mr. Miller said he thought it unfortunate that so many people "have seized the opportunity tonight to again criticize our newly elected officials and to suggest that this war is for oil.... I daresay that the people in Iraq who were showering our

troops with flowers and hugs and kisses and showing them unbridled affection don't share that sentiment. They are relishing their newfound freedom.... So is it too much to ask for a resolution that expresses support and appreciation for our president and our troops?"

Mike Simonds

Mr. Simonds thanked the Council "for having the courage to finally give the other half of Santa Fe, those that do believe that we are a democracy and believe in our country, a resolution that we can stand with."

Dennis Tapia

Mr. Tapia, a resident of Santa Fe since 1957, reminded Councilors that the U.S. has a moral obligation to be in this war.

Chris Tafoya

Mr. Tafoya pointed out that the protestors in the audience do not represent the majority of Santa Feans. He said he did his own survey, making 100+ phone calls, and said the following percentages of people in each district support the troops "and George Bush as commander in chief": District 1, 67%; District 2, 62%; District 3, 78%; and District 4, 80%.

Anthony Gonzales

Mr. Gonzales stated that the U.S. government "for the most part has worked and persevered, even in its darkest moments. And even in those dark moments as a country we stood united, and I would like to personally thank the likes of David Pfeffer and other veterans who have fought to defend our country not by choice, but because of duty."

Dale Coy

Mr. Coy said he spent 20 years in the military defending people's rights to have their opinions and to express them. He stated that he supported the resolution as written.

Pfc Sandy Teresa Salas

Ms. Salas thanked the Mayor for bringing this resolution forward. She commented, "I find it interesting how many of these people protesting the war are screaming about the thousands of children that are dying. What about the millions of unborn children that are sacrificed daily in the name of women's rights?"

Ms. Salas stated that her cousin, Pfc. Ruben Estrella-Soto, was killed last week in Iraq. She said she prayed that the troops would come home safely.

Paul Portillo

Mr. Portillo said he is currently in the U.S. Navy and finds it “very sad to hear people talking bad about our President and our troops. They are defending what you have today.” He stated that the people protesting the resolution outside of City Hall tonight have been given that privilege because the U.S. has gone to war and fought for freedom of speech.

Frank Lenihan

Mr. Lenihan, a retired Air Force fighter pilot who served in the Air Force for 24 years and was part of 160 combat missions in Vietnam, stated that tonight’s comments sounded like “a string-up-George-Bush affair.” He pointed out that George Bush “is our President, our commander in chief. Let’s back him and let’s bring the boys home as soon as we can.”

Dan Rodriguez

Mr. Rodriguez said he is retired from nine years in the Marine Corps, six years in the Air Force, and five years in the Army. He stated that he joined the service because he loves his country, and took an oath to protect this country. He said he has not heard one person speak tonight about supporting this country. He stated, “The only thing that the United States has asked of another country when we went to fight in their country was enough of their space to bury our dead, and that was France.”

Referring to the protestors in the audience with blood on their hands, Mr. Rodriguez asked, “Where were the red faces and the red hands on September 11? You want to know why we’re in Iraq? That’s part of the reason. We don’t want that to happen to any other country.”

Fred Rowe

Mr. Rowe said, “To everyone who today observed the people of Baghdad dancing in the streets, this is a day of deliverance and of liberation. To Santa Feans sensitive to symbolism, this was Zozobra in Baghdad toppling down. I urge this Council to embrace this historic moment, to honor our troops and not to diminish history by quibbling, weaseling or waffling about who is or who is not the commander in chief, because he is established by the Constitution whether we like the individual or we don’t.

"I was a combat veteran of World War II with five battle stars, including the Battle of the Bulge and the liberation of Paris. I grew up in Nazi Germany as a child, and I've experienced murderous tyrants and dictators as well as the joys of liberation. I heard the war protests in 1940 in Madison Square Garden which said, no, the Yanks are not coming, let God Save the King. If they had prevailed, millions more like me would have marched to the crematoriums in Europe. I urge you to support this resolution tonight."

Rosemary Foy

Ms. Foy said her father was in the Army and her uncle, Rep. Tommy Foy, was in the Bataan Death March. She stated, "I'm for the troops, of course. And I didn't vote for Bush, but I'm for our country."

Ms. Foy stated that she found it truly amazing to watch Iraqis today on TV trying to sledgehammer a huge statue of Saddam Hussein: "What they needed was a winch, and good old American ingenuity, here comes a tank that happened to have a winch to give the Iraqis a helping hand. And I think that's symbolic."

Toni Romero

Ms. Romero stated that she works with Hispanic youth in Santa Fe who wrote down their feelings about the war today. She read some of their comments: "Anti war protestors aid and abet oppression of Iraq." "Anti war protestors hate our government; go live in a Third World country." "Where were the protestors when Saddam gassed the Kurds?" "Our troops are the government — duh."

Bernabe Romero

Mr. Romero said he heard three issues tonight: that Bush was not legally elected; veteran's benefits were cut; and the "bitter apple of Florida that was swallowed two years ago." He stated, "If these people don't get off of it, they're going to vomit and choke on this particular item. Let's get on with it. Bush is our President, and if you want to take it up with the Supreme Court, do it. But right now, our troops, our country and our President need the support of everybody here."

[Conclusion of public comment.]

**Councilor Pfeffer moved approval of the resolution, as written.
Councilor Lopez seconded the motion.**

Councilor Pfeffer stated that this is a very emotional issue for him. He commented, "This really isn't City business, but it kind of became City business

the last go-round when the majority of this Council decided to make international relations an item on our agenda....

"I can't see any way you can separate a soldier from his command. I don't see anything in this resolution about the details about this war, or about why we're there... I see mention of President Bush as the commander in chief, and that's completely appropriate and completely the right message, in my opinion, to be sending out there. Anything less than that, to me, is completely half hearted and doesn't make any sense at all."

Councilor Coss proposed the following amendments:

Page 1, line 11, amend the title of the resolution to say:

...Declaring Support for ~~President George W. Bush~~ and the U.S. Military Troops Currently Engaged in Military Operations in Iraq.

Page 2, lines 9-10, strike:

~~1. To President George W. Bush as commander in chief for his firm leadership and decisive action in the conduct of military operations in Iraq.~~

and to renumber the next two paragraphs accordingly.

Councilor Pfeffer *declined* to accept the amendments as friendly.

Councilor Chavez seconded the amendments.

Councilor Chavez stated that he respected the feelings of people on both sides of this issue. He commented that this country has usually been divided in times of war. He said, "We talk about our darkest days in the days of the Civil War, when we know this country was divided. And Abraham Lincoln coined the term, a house divided. For those of us to oppose or to question war or to question what our government is doing regarding foreign policy or other matters is really not new, and I don't think we should be in denial about that."

Councilor Chavez stated that this community is part of the larger international community, and it should not matter whether people were born in Santa Fe or not, or what part of town they lived in. He said he would hope the opinions of everyone who spoke tonight would be respected.

Councilor Lopez said she was extremely disappointed that the community was so divided over this war, and was sorry that this debate was taking place. She stated, "I support the President to get our troops home as quickly as possible. I could never support that we got there, and I just hope everybody that's so upset right now, when we come to our party primaries and our next

election, that people will stay involved.” Addressing the young people in the audience, she urged them to register to vote if they have turned 18 by then, because she hoped never to see again a debate about whether or not the President has been duly elected.

Councilor Ortiz thanked everyone for expressing their opinions. He stated, “What we heard, people petitioning their government based upon their individual beliefs, is what makes America great. The founding fathers of this nation expected and protected the citizens’ rights to make their views known.

“My personal belief is that this war in Iraq is a serious mistake. I believe that, regardless of the outcome in the short term, in the long term this war will do us more harm than good. The United States, working with the majority of the world, could have isolated Saddam Hussein and caused his regime’s eventual downfall by other means than a preemptive all-out war. By following this preemptive tack, we have unleashed a rat’s nest of anti-American sentiment that will put innocent citizens around the world in peril for years and years to come.

“As importantly, and because of this war, America is spending billions of dollars that could have gone instead to help solve the many problems we have here at home: cash-starved schools, folks who can’t afford to pay for their prescription drugs, families and children without health insurance, relief for working families who are either laid off or are struggling to put food on their table for their kids due to our recessed economy, funding for water diversion projects, to name a few. Does it mean that I don’t support the troops because I don’t believe in this preemptive war? Of course not. I love America. I stand by my country and my hometown. Now that the soldiers have been sent to battle and placed in harm’s way, and are bravely doing the job that they’ve been asked to do, our troops need every bit of help and all the prayers that this country can give to them to end this travesty as quickly as possible....”

Councilor Bushee said she did not support this war, and suspected the troops would be in Iraq for some time to come. She stated that she “had a problem with putting together a resolution at this point that further divides the community. I don’t believe anybody up here is against supporting our troops.”

Councilor Bushee commended so many young people for having the courage to speak up tonight.

Councilor Bushee said she could not support the resolution as written, because it contradicted the resolution adopted last fall against a war in Iraq.

Mayor Delgado stated that many presidents in the past such as President Franklin Delano Roosevelt, Harry S Truman, and Dwight D. Eisenhower, had to make tough decisions, and many people opposed their decisions. He said he

thought it only fair to bring this resolution forward, given the resolution adopted last fall opposing a war in Iraq, because many people in Santa Fe also want to show their support in some way for the men and women who are in Iraq. He pointed out that people who don't like President Bush can vote against him in the next election.

The amendments were adopted on the following Roll Call vote:

For: Councilor Wurzbarger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz.

Against: Councilor Pfeffer.

Discussion turned to the main motion.

Councilor Heldmeyer stated that she was very disappointed with the Mayor, "because you ran as someone who was a healer, someone who would bring people together, and there were several opportunities for you to handle this differently.... I think there were several points at which this resolution could have been amended that would have made it a lot less divisive to this community, and I'm really sorry that you chose not to take that tack."

Mayor Delgado said he had stuck to the original resolution because, while it might ruffle a few feathers, "I will not have people change my mind."

Councilor Pfeffer read the following statement: "Thank you for being here. What a remarkable display of citizenship on both sides. I know it must have taken a lot out of many of you to get up and speak tonight; bless you for it. Thank you KSWV for showing your colors tonight, and all this week: how beautiful they are. Thank you, Mayor, for having the good heart and honest strength to put this statement of support on our desks tonight. Although this Council is apparently choosing the take the heart out of it, leaving only a washed-out empty gesture in its place, you had the right idea.

"I speak from experience when I say you cannot support the troops and dissociate yourself from their mission. You cannot support the troops and disrespect the leadership that gives them their orders.... This shadow of your intention would at best plant doubt, at worst immobilize commitment in its obvious disdain for what our soldiers are accomplishing as we speak....

"Mayor.... even though there is no way I can now support this resolution if it refuses to recognize the President as the leader of our troops, I admire what you tried to have us do, to tell the folks we've sent to war that the argument is over, that we are proud of their efforts to keep us free and to set free a country

many of them couldn't locate on a map before they found themselves shipped out.

"Soldiers need to hear these things from home. But in the end, with all due respect, they don't need to hear it from the City Council. They need to hear it from their country, and indeed their Congress has nearly unanimously passed a resolution strongly affirming just what you tried to have this Council affirm tonight, and more, clearly stating that the war in Iraq is one battle on the war on terrorism. Ted Kennedy, Robert Byrd, Nancy Pelosi, Tom Udall — they all signed on, they all in the end put their names on a statement very similar to yours. And President Clinton said as much himself when quoted in the local papers recently, that it is time to put the argument aside, to get behind the President, the mission, and the troops. Governor Richardson has said the same, and if anyone would know what we are dealing with in Iraq today, Governor Richardson would know.

"One more time, bottom line, the City Council does not represent anybody in international affairs. We need to get water to our parks and our gardens, and fix the potholes and set our budget in order and do the things we were elected to do. While our soldiers can live without any resolution from this Council, they need to hear our resolve from us as citizens. They need to see that the flag they lay their lives on the line for is flown proud and high above the homes they miss so much. And if they could be here tonight, if they could only see a sea of color honorably and confidently flying high tonight, they would take with them what they need to carry on.

"There is so much we can do to show real respect. We can write the letters of pride we have held back on. We can put the colors on our cars we haven't gotten around to. We can empty out the stores of yellow ribbon and tie them everywhere the sunlight shines....

"There are so many things we can all do, so many things we need nobody's permission to do, for nobody can stop us, just as nobody can stop our troops from finishing the job we started for them, to keep us free, to rid Iraq of tyranny, to push the devastation of war back away from our shores. And we can tell them to stand proud in spite of all the discouragement we hear tonight.... and stand proud in your liberation of Iraq. Just as you announced yourselves when you walked into Private Lynch's torture chamber and calmly said, we are United States soldiers, we are here to take you home, so, too, you can proudly announce yourselves to 20 million Iraqis, we are United States soldiers and we're here to set you free....

"You are our soldiers, and though we cannot stand shoulder to shoulder with you through the fog of war, we can stand behind you and behind your strong and necessary and determined leadership and behind your mission. You lose your innocence for us, you risk your lives for us, you smell battlefield for us, you see

things that cannot be spoken for us, you bloody your hands for us, but you are not alone. We lost our innocence, too, many of us, in the same way. We can tell you it may take years, it may take decades, but you can come in time to a place of peace if you know that we few, we happy few, know, for all of what you're going through for us...."

Councilor Wurzburger stated to Councilor Pfeffer, "I agree with everything that you say that we can do, and I think we should do it, and by passing the amended version, we have no effect upon what you have outlined that we can do to accurately and honestly reflect our gratitude for the men and women who are fighting this war. But again, I support the amendment, and I cannot support the initial resolution that supports how we got into this war."

The resolution, as amended, passed on the following Roll Call vote:

For: Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Wurzburger.

Against: Councilor Pfeffer.

Request From BIMM Company, LLC, for a Transfer of Ownership of Dispenser License #2582 From Black Eyed Pea U.S.A., Inc., dba Black-Eyed Pea Restaurant, 4701 San Mateo Blvd., N.E., to BIMM Company, LLC.

City Clerk Yolanda Vigil called attention to the requirement that this business comply with the City's noise and litter ordinances.

There was no public comment.

Councilor Ortiz moved for approval. Councilor Wurzburger seconded the motion, which passed on the following Roll Call vote:

For: Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee.

Against: None.

Request From GMRI, Inc., for the Following:

- a) **Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300-foot Location Restriction to Allow the Sale of Alcoholic Beverages at The Olive Garden Italian Restaurant, 3781 Cerrillos Road, Which is Within 300 Feet of The Potters House Christian Church, 3732 Cerrillos Road.**
-

There was no public comment on this item.

Councilor Chavez moved for approval. Councilor Ortiz seconded the motion, which passed on the following Roll Call vote:

For: Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzbarger; Councilor Bushee; Councilor Chavez.

Against: None.

- b) **If the Waiver of the 300-foot Restriction is Granted, a Request From GMRI, Inc., for a Transfer of Ownership and Location of Dispenser License #2582 From BIMM Company, LLC, to GMRI, Inc., dba The Olive Garden Italian Restaurant #1609, 3781 Cerrillos Road.**
-

There was no public comment on this item.

Councilor Chavez moved for approval. Councilor Ortiz seconded the motion, which passed on the following Roll Call vote:

For: Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzbarger; Councilor Bushee; Councilor Chavez; Councilor Coss.

Against: None.

Case #AB-2002-03. 127 Duran Street Appeal. Martha Baca and Paul Pacheco Appeal the Decision of the Board of Adjustment's November 20, 2002, Denial of an Appeal of an Administrative Official's Determination Pertaining to Applicable Building Setbacks and the Issuance of Permit No. 02-2080 Re: Board of Adjustment Case No. AB 2002-02. The Property is Located at 127 Duran Street and is Zoned RM-2 (Multi-family Residential, 29 Units Per Acre). (Postponed at March 26, 2003, City Council Meeting.)

City Planner Greg Smith reported as follows: "This appeal relates to the interpretation of what is properly determined to have a side yard setback and what is properly determined to have a rear yard setback. The line in question divides two irregularly shaped lots, both of which have frontage on Duran Street. The interpretation was made by staff and a building permit was approved. The neighbor, Martha Baca and Paul Pacheco, appealed the staff determination to the Board of Adjustment. The Board of Adjustment supported the finding of staff that the property line in question should properly observe a side yard setback rather than a rear yard setback, and Ms. Baca and Mr. Pacheco have subsequently appealed that determination to the City Council....

"This is a judgment call. Staff, in making the judgment that it is a side yard, looked at consistent application of similarly situated lots throughout the block. Alternative interpretations would have resulted in a side yard abutting a rear yard or the property going side yard, side yard, rear yard, side yard, rear yard, and alternating between side and rear yards for the side of the property in question."

Appellant Martha J. Baca, 127 Duran Street, rear, was sworn. She stated that she has asked Paul Pacheco to represent her regarding this appeal.

Appellant representative Paul Pacheco was sworn. He said, "We are not opposed to development in the city or to any neighbor wanting to do an addition to his or her property. We are here because of how this project, at 127 Duran Street, in the Westside Guadalupe Historic District, was reviewed, considered and approved...

"City Planner Phil Shafer, who approved and made the determination, was called the expert at the November 20 Board of Adjustment meeting because he does this on a fulltime basis. When I spoke with Mr. Shafer on September 9, 2002, he told me he could not cite any specific addresses of properties in Santa Fe or in the Westside Guadalupe Historic District where this kind of determination has been decided. We don't know how long Mr. Shafer was employed as a City planner, but we were told he is no longer employed with the City of Santa Fe.

“Consequently, this appeal is based on what Chapter 14 of the City Code and fact of law requires, and that is all. Nowhere in the code is a Rutgers State University of New Jersey handbook titled, ‘The New Illustrated Book of Development Definitions’ required or where the City planner must apply any or all of it. It is merely a handbook.

“I would first like to clarify the record on the background of this permit application and the subsequent approval.

“Mr. Shafer submitted an official report to the Board of Adjustment on November 20, and it says the project was rejected on August 7 for zoning compliance. However, this project was rejected again on September 9 for the same violations, but on the other side of the applicant’s property, where he disregarded minimum building setback requirements, but staff failed to include this in the report.

“Another issue in that same report, which was intentionally misleading and inaccurate, was how adjoining lots were considered.”

Mr. Shafer submitted a two-page document, the first page reflecting a survey plat of the Baca property, and the second page reflecting a parcel map of the subject property and appellant’s property configuration. *[Submitted herewith as Exhibit D.]*

Mr. Pacheco stated, “This portrayal of our property in contrast to a copy of our true plat of survey is not only misleading but incorrect. And as you guys can see, it just doesn’t make sense. The differences are evident.

“Again, in this report to the Board of Adjustment, which they should have relied upon for accuracy, is his statement and description of a through lot as defined in Chapter 14 definitions. Nowhere on our property is there anything close to what Mr. Shafer described in his report to the Board of Adjustment. But because Mr. Shafer is the expert and does this on a fulltime basis, his opinion carries great weight. In addition, Mr. Shafer presents to the Board of Adjustment an Exhibit 2, which states our property contained multiple residential structures. This is patently incorrect and is certainly misleading. What Mr. Shafer referred to is our sheds we have for storage with no plumbing or electricity.

“I would like to explain how a determination was given granting an illegal variance contrary to the definition adopted by the City of Santa Fe in its code.

[Mr. Pacheco placed on display enlarged and color-coded representations.]

“The lot line shown in red poses the biggest threat and detriment to our property and home, and is the main focus of our appeal. The front of the

applicant's existing house is parallel to Duran Street. The sides of the existing house run perpendicular. The rear façade, or backdoor, of the primary house is closest to the lot line abutting our property, which can only be a rear yard lot line because, like the front yard, it runs parallel to Duran Street. And according to the definitions in the code, the applicant's existing house determines and defines lot lines common to a regular lot, and I reference 14-7.4(D)2 of the City Code and 14-7.15(G)(d)(iii). The determination was granted without due regard to the significance to adjoining lots in the neighborhood. The lots and homes in the area are overwhelmingly rectangular and have straight front, rear and side lot lines. Our house, behind 127 Duran, carries the same definition of the code in that the front is parallel to Duran Street. The sides run perpendicular, and the rear yard lot line also runs parallel with Duran Street. I would like to cite a similar property at 539 Dolores and 539-1/2 Dolores, which are adjacent to both the applicant's property and ours. There is a front house, then a driveway leading to the rear to 539-1/2, and a common wall that separates the two properties.

"The same determination is the only legal and sensible way to interpret Chapter 14, yard, rear, 14-7.4(D)2 of the code, because the house in the rear has a front, side and rear yard lot line consistent with its relationship to Dolores Street. The front is parallel to Dolores Street and merely because it sits behind 539 Dolores Street, the front, sides and rear lot lines cannot be interpreted any differently.

"We are aware that the maximum lot coverage in this district is 70% provided the open space requirements are complied with under 14-7.15(F)(i-vii). We also believe property owners have the right to maximize lot coverage, but construction should not be any closer than what is allowed, and in this case we feel the Planning & Land Use Department overstepped its legal boundaries in its discrete determination.

"The preliminary application, signed and approved by Phil Shafer, dated May 29, 2002, fails to mention the applicant has an irregular lot or deemed to be a special yard. There is no documentation to justify his decision to the granting of a five-foot setback.

"Our intention is not to deny or prevent the applicant from building an addition; but at the same time, we feel his being granted a special privilege of a five-foot setback is contrary to the interpretations of lot types, definitions and yard, rear, 14-7.4(D)2; and further, by complying with requirements of the code, his project would not be destroyed. It would simply prevent a negative impact to our home.

"It was stated by Mr. Frank Herdman at the Board of Adjustment meeting that the applicant did receive approval from the H-Board, but at the same time the H-Board has no jurisdiction regarding setbacks, and it was the H-Board that

approved the project and then it had to be rejected because of the building setback violations.

“We believe this is a large addition on a small lot. The proposed addition is over 1,300 square feet to an existing 900 square foot house, but this determination negatively impacts solely our property. Setbacks have been established for distinct reasons: to provide adequate light, to provide for space and privacy, and to make the neighborhood safe.

“As far as a compromise, we did ask Mr. Ed Romero of the City for his assistance in some kind of mediation. Mr. Herdman replied that his client saw no need for mediation or compromise.

“Finally, a letter was provided to us by Mr. Ronnie Rivera, who lives out of state, and he and his sisters, who also live out of state, wanted to express their support of our appeal. Their biggest concern is allowing buildings and additions to be constructed too close when not allowed by ordinance, especially in this case.” *[Letter submitted herewith as Exhibit “D.1.”]*

This concluded comments in favor of the appeal.

Frank Herdman, 123 East Marcy Street, representing the property owner Jamie Cost, was sworn.

Mr. Herdman stated that Mr. Cost was asking that this appeal be denied. He said Mr. Cost would like to proceed “with the construction of the proposed very small addition to his existing house, which is only 900 square feet. The proposed renovation is not, as represented to you by the appellants, 1,300 square feet, but much closer to 1,000 square feet....

“The property in question is what is known as an irregular lot under the code. The code defines an irregular lot as one that is shaped in such a way that the minimum yard requirements for rear yards and side yards, the code says are impractical and cannot be logically determined. Now, everyone in this case — the neighbors, the appellants in this case, City staff and my client — all agree that this is an irregular lot as defined in the code.... So there is no dispute.

“What that means is that the usual rear yard and side yard standards that might typically apply if you have a traditional rectangular, or maybe an untraditional rectangular lot, since we’re in Santa Fe, would not apply. We have an irregular lot instead.

“And for situations like this, the code is very clear that where the lot is irregular, the code has something called a special yard, which is something other than a rear yard or a front yard or a side yard.... The definition of a special yard

is something that can function as a front yard, a rear yard, a side yard. In other words, it's intended to be a flexible concept to deal with situations where you have irregular lots.

"The definition of special yard in the code goes on to explain how it is that staff will determine which of the various setbacks will apply in the case of an irregular lot. The code states that the determination will be made based on the relation of the lot in question to adjoining lots with due regard to the orientation and location of structures and building areas on the lots. The code provides that this a determination that is left to staff's discretion; and in this case, Phil Shafer and Greg Smith have both properly applied the correct standard and both have determined that the five-foot setback for side yards has been correctly applied and should be applied in this case. The Board of Adjustment also upheld staff's determination in this case by a unanimous vote."

Mr. Herdman presented and reviewed a diagram reflecting the neighbor's property in blue and his client's property in green on red, with a shared boundary between the lots indicated in red. He stated that, as shown on the diagram, "the orientation of the lots reveals that the shared boundary line runs along the side of, and between the two lots. The lots are actually located side by side, not one behind the other. Both lots have a Duran Street address, and both lots are accessed from Duran Street. So based on the orientation of the two lots as side by side, staff has properly determined.... that the five foot setback should apply in this case."

Mr. Herdman also reviewed the floor plan for the project. He said the proposed renovation was modest and would add needed space. He stated that the addition was reflected on the plans as 1,030 square feet and not 1,300 square feet as represented by the appellants.

Mr. Herdman said the neighbors' request for a 10-foot setback "would largely undermine the project."

Mr. Herdman pointed out that the project complies with the code requirement that all structures be at least 10 feet apart, no matter what type of yard is involved. He said his client has already revised the plans once in response to the objections of the neighbors to comply with that requirement.

Mr. Herdman said the H-Board has given approval to this project, which means there has been a determination that the proposed addition "is harmonious with the surrounding historic neighborhood," where traditionally structures have been built very close to the lot lines given the irregular shape of lots and the historic construction patterns in the neighborhood.

Mr. Herdman also clarified that no variance has been applied for in this case, so the variance standards under the code are not applicable here.

Mr. Herdman said he had distributed three letters from two neighbors directly across the street, and another neighbor next door, all of whom support the project. [Letters not submitted for the record.]

This concluded comment against the appeal.

The public hearing was closed.

Mr. Herdman and Mr. Pacheco spent the next few minutes clarifying features of the appellants' and applicant's sites in response to questions from Council members.

Responding to questioning from Councilor Chavez on whether there was sufficient open space and off street parking on Mr. Cost's property given the lot coverage, Mr. Herdman responded that his client complied in all respects with open space, parking, etc. He added that those issues have not been challenged.

Councilor Bushee expressed concern about allowing up to 70% lot coverage and what that might mean to people who have to live so close to one another. She said that might have been acceptable among family members in previous times, but this neighborhood has changed and neighbors are no longer family.

Councilor Bushee also stated, "I know there's allowance for a special yard, but I can't get how, when one structure is here, and one structure is there, how you could call that piece of property between the two a side yard."

Mr. Smith replied, "With regard to the particular situation here, you would, under some interpretations, including the one proposed by the appellant, who asked that that portion of the Cost property be classified as a rear yard, that same portion of the Pacheco-Baca property would, using that same rationale, be classified as a front yard because it is parallel to the street. And again, when we look at trying to decide the most consistent approach, we try to avoid interpretations where we have front yards abutting rear yards, where we have property lines that go from side to rear, to side to rear again."

Councilor Bushee asked, "But don't you have a front door at the Baca property and a front door at the Cost property — would that not determine your front setbacks, and would you not then automatically have a rear setback for the opposite side?"

Mr. Smith responded, "When we make those determinations, we rely more on the configuration of the lot than we do on the orientation of the main entry to the

residence. Some residences in the city are oriented in such a way that their front property line, the main entry to the dwelling, is from the side yard of their property because you come around to the side to come into the main entry. So the location of the main entry is not, in staff's opinion, as important a criterion as the configuration of the lot."

Councilor Bushee commented that "commonsense logic" is that one would have more rear yard setback because of the need for privacy. She said, "I mean, with side yard they know that they want five feet for some access for fire and safety. Rear yard setback is all about privacy and space between people, as I understand it."

Mr. Smith agreed with the intent of the purpose of a rear yard, "but in staff's judgment the issue of providing consistent protection to the rights of both properties, to accomplish that end, we look at the configuration of the lot more closely than we do at the location of a dwelling on an adjoining property line."

Councilor Bushee said she understood the need for flexibility on exceptions for yards, but in terms of privacy found it hard to look beyond the fact that the people living in these two residences would be living in this situation potentially for the rest of their lives with this front and rear yard setback situation.

Councilor Bushee asked Mr. Smith, "If one were to interpret that as a rear yard setback, what would be the minimum and maximum requirements?"

Mr. Smith responded that, in most RM District cases, "you do end up with the setbacks determined by a development plan approved at the time of rezoning or when a multifamily project is approved with a development plan."

Councilor Bushee stated, "But you're at the building permit stage, and you have to have reviewed this, and if it were interpreted not as a side setback as a rear setback, what would be the requirement?"

Mr. Smith responded that there have been recent amendments, but he believed the code requirement was a 10-foot minimum in the RM District.

Mr. Pacheco pointed out that page 255 of the code reflects that, in the RM-2 District, the rear yard setback is 15 feet.

Councilor Bushee said she wanted to be sure that staff was clear in interpreting the new changes in terms of the 70% lot coverage and any of the other rear and side setbacks.

Mr. Smith responded that Section 14-7.1(g)(ii)D stated that the rear setback is "15 feet or 20% of the average depth dimension of the lot." He commented,

though, without agreement as to which were side and which were rear lot lines, staff could not actually calculate the average depth of the lot.

Councilor Bushee asked Mr. Smith, "If one were to agree that it were a rear setback for the applicant with the building permit, what would be the minimum required setback?" Mr. Smith responded that he thought it would be 20% of the average of the two sides, "but staff has not calculated that because we would be treating it as a side yard rather than a rear yard."

Mr. Smith agreed to do calculations and report back momentarily.

In the course of discussion with Councilor Coss, Mr. Pacheco stated that 20% would mean Mr. Cost would have to be more than 15 feet away, so he was better off with the 15-foot rear yard setback.

Councilor Coss remarked that he was having a difficult time looking at the orientation of the houses, which staff did not consider in its review, having only looked at the orientation of the lots. He said that, in terms of the orientation of the houses, "I have a hard time saying that that is not the rear of Mr. Cost's house, and that's a rear lot line, to me."

Responding to questioning from Councilor Heldmeyer, Mr. Smith stated that, in staff's judgment, "the best way to ensure fair treatment of all properties is to look at the orientation of the properties rather than the location of an individual existing or proposed structure on either lot. Not to intentionally favor either property, but to treat the properties similarly under the code provisions."

Councilor Pfeffer remarked that everybody seems to have "made a titanic effort in order to make some sense of the definitions applying to very odd shaped properties, and they don't seem to quite fit no matter which way they come out." He said perhaps it would be practical to consider an equitable solution instead through some kind of compromise between the property owners involved.

As discussion continued, Councilor Ortiz suggested that, if the parties wish to entertain any kind of settlement, they convene in another room in the building and return later in the evening with a report. He said he thought it inappropriate for the Council to try to mediate or negotiate a settlement.

Mr. Herdman and Mr. Pacheco agreed to do so.

Councilor Ortiz moved to table this item to the end of the Evening Session. Councilor Heldmeyer seconded the motion, which passed 8-0 by voice vote, with Councilor Bushee, Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor Wurzbarger voting for, and none against.

**CONSIDERATION OF BILL NO. 2003-8: ADOPTION OF ORDINANCE
NO. 2003-9. (Councilor Bushee and Councilor Lopez)
An Ordinance Amending Sections 18-7.1 and 18-7.2 SFCC 1987
Relating to Carnivals and Circuses.**

There were no persons wishing to address the Council from the floor.

Councilor Bushee noted one change in the ordinance that would make it unlawful to operate a carnival or circus without prior approval from the City Manager, whereas previously it had been the Governing Body.

Councilor Bushee moved for approval. Councilor Chavez seconded the motion, which passed on the following Roll Call vote:

For: Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzbarger; Councilor Bushee; Councilor Chavez; Councilor Heldmeyer.

Against: None.

Not present for this action: Councilor Coss.

**CONSIDERATION OF RESOLUTION NO. 2003-40.
Case #M 2002-46. Fullerton/Withers Property General Plan Amendment.
Jim Siebert, Agent for the Fullerton Family Limited Partnership and
Withers Family Limited Partnership, Requests That the Santa Fe 1999
General Plan's Future Land Use Diagram be Amended for a Total of
1.613 Acres From "Open Space" to "Mixed Use-Transition." The
Property is Located at Camino de los Arroyos as it Intersects With
Vegas Verdes Drive, North of the Main Channel of the Arroyo de los
Chamisos.**

City Planner Greg Smith stated that, when the General Plan was adopted in 1999, the land reflected in the map in the packet was classified as within a flood plain and Camino de los Arroyos was not dedicated or improved. He stated that the land belonged to the City at the time as part of the Arroyo Chamiso drainage right of way. He said that, since the 1999 General Plan was adopted, the land has reverted into private ownership, the road has cut this property off from the open space associated with the arroyo, and the Planning Commission and staff were therefore recommending that the Council approve a change in the land use designation from Open Space to a Mixed Use-Transition.

Mr. Smith reminded that Council that it recently adopted the Mixed Use-Transition as a new General Plan land use classification in conjunction with

action on the Cerrillos portion of the Southwest Area Plan. He said that, while there is no zoning category at this time that corresponds to that mixed use, the change to mixed use would be consistent with the Council's action on the Southwest Area Plan for all of the adjoining properties.

There were no persons wishing to address the Council either for or against this proposal.

Councilor Wurzburger moved for approval. Councilor Bushee seconded the motion.

Councilor Heldmeyer commented that the intention is to zone this property C-2/PUD in the future, and asked if the road infrastructure would be there to get people back and forth out of this place without necessarily cutting through the neighborhoods.

Mr. Smith responded that the City Traffic Engineer has concluded that there appears to be adequate capacity in the adjoining minor arterial roads to support most densities likely to occur under C-2/PUD. He noted that this issue would be addressed in more detail at the time the rezoning case comes before the Council and if some type of development plan is reviewed by the Planning Commission.

Councilor Lopez recalled that, at the time of the Kachina Ridge project, the Council passed a resolution calling for a road network to be completed throughout this area, and she was interested in seeing that whatever the City approves includes an understanding that this network will be completed. She asked Mr. Siebert whether his development plans would include some kind of contribution to that connection or not.

Mr. Siebert responded that he would bring that forward at the time of the rezoning, when the intensity of use would be known along with impact.

The motion passed on the following Roll Call vote:

For: Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez.

Against: None.

Case #AB-2002-03. 127 Duran Street Appeal. (Cont'd from page 41)

Mayor Delgado said he was just informed by the City Manager that the deliberations that took place outside of the Chambers are not done, and the parties would like to have this item postponed to the April 30 City Council meeting.

Mr. Herdman and Mr. Pacheco agreed to meet and attempt to work this issue out before the next meeting.

Councilor Ortiz moved to close the public hearing on this item and postpone it to the next Council meeting. Councilor Wurzburger seconded the motion, which passed 8-0 by voice vote, with Councilor Bushee, Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor Wurzburger voting for, and none against.

COMMUNICATIONS FROM THE GOVERNING BODY

Councilor Heldmeyer

Councilor Heldmeyer said there has been a lot of press lately about below standard medical conditions at the jail. She commented that she found it particularly distressing that persons who are pregnant are not receiving prenatal care — a very serious thing. She stated that Chief Lennen has confirmed that the City has at least one pregnant prisoner.

Councilor Heldmeyer said that, at the last Planning Commission meeting and at the Board of Adjustment meeting, letters were submitted by the public in a timely fashion to be in the packet but were not included in the packet. She stated that staff has apologized, saying they are short on staff and on time, but she thought that excuse unacceptable and that a better process needed to be established.

Councilor Heldmeyer stated that the City has started laying sod in Cathedral Park, and the City Manager showed her the attachments to the drought ordinance reflecting that one could put in sod or seed or turf under Stage 2 or 3 if it was being watered with “greywater.” She added, however, that some Water staff people do not agree with that interpretation. She said different information has been given to the public, and different information is on the City’s Web site. She commented that the City needs to be consistent — if it’s legal, it’s legal for everybody, and if it’s illegal, it’s illegal for everybody.

Councilor Heldmeyer said she keeps hearing rumors that staff is working on amendments to the water budget ordinance, and would like to see them as soon as possible.

Mr. Romero responded that there are no amendments being proposed to the ordinance; rather, staff is focusing on procedural changes and plans to bring these forward to the PUC. He added that several Councilors have expressed an interest in proposing some amendments to the ordinance as well.

Councilor Heldmeyer stressed the importance of bringing these items forward as quickly as possible so there is time for public input.

Mayor Delgado

Mayor Delgado said he has received a letter from the Fox law firm regarding the buildings on Rufina off of Richards (behind The Home Depot), which are only partially constructed, and are now dilapidated with broken windows, etc., and neighbors say that people are sleeping in there. He expressed concern that the buildings could go up in flames. He stated that the law firm has cited city code which allows the Governing Body to declare buildings in this condition as a public menace.

Councilor Chavez said he thought these buildings were in the county and not the city, and Mr. Romero said he would look into that.

Councilor Ortiz

Councilor Ortiz clarified that, with respect to Councilor Heldmeyer's concerns (and other people's concerns) about the water budget, the water budget administrative office has been in the process for the last year of developing policy and procedural changes that they want to bring forward. Councilor Ortiz said he has informed staff that these changes will undergo a public process. He stated that he anticipates introducing these changes at the April 30 Council meeting, followed by a public hearing at the May PUC meeting.

Councilor Ortiz stated that the Attorney General's Office has indicated that the water budget is legal and the Council had the discretion to adopt what it did.

Councilor Bushee

Councilor Bushee stated that there are several areas in her district where homes have been abandoned and left for people to party in and create dangerous situations. She said she could think of at least three properties that she has submitted requests on that have gone nowhere. She commented that

the City sends out threatening letters that are ignored, and then the City doesn't follow up.

Councilor Bushee said she would like a full-on effort from the City Attorney's Office and the City Manager's Office to look into three specific addresses that are a blight on their neighborhood.

Councilor Bushee said a constituent has told her that, after people pay a \$25 permit fee to hold a protest event or parade, etc., another cost will be added to that to cover police overtime. She asked if that is correct.

Mr. Romero responded that this has been under discussion.

Councilor Bushee suggested that this could present a problem for people who cannot afford it and therefore cannot exercise their right to freedom of speech.

Mr. Romero clarified that, when the suggestion was initially made to him, he said no. He stated that he did not think this idea would be pursued.

Mr. Thompson said the issue was brought to his office; and since there is no policy on it, he instructed staff that it was inappropriate to impose such fees. He added that someone on his staff has been directed to look into the whole policy issue, but that would have to come to the City Council in ordinance form to set out procedures for dealing with these things.

Councilor Bushee commented that the City could be "opening a box of Pandoras" with this idea because every gathering in the City with any kind of police presence would fall under such a policy.

Councilor Chavez

Councilor Chavez clarified that the Sweeney Center event will be held on April 21 from 6:00 to 9:00 p.m., and he is hoping for an open dialogue "to help us better understand what our roles and responsibilities are as citizens, whether we support the war or oppose the war, but that we are able to dialogue in the community on those opposing points of view and do it with respect, and have the Police Department involved, and the schools involved, and many of the groups that are involved in organizing around this issue."

Addressing vacant houses and lots that can become a blight on neighborhoods, Councilor Chavez said different parts of District 3 include such situations. He recalled discussion at one point about a nuisance ordinance, and asked Councilor Ortiz to bring that back. He said he would be glad to co-sponsor it.

Councilor Chavez said he, too, has concerns about the water budget update, and respects that staff needs more time to come up with some procedural changes, but hoped those could be brought to the Council as soon as possible.

Councilor Chavez reminded everyone of Spring Cleanup Day on April 26.

Councilor Chavez announced that, on May 3, he and Councilor Coss will be hosting a “district meeting” at Frenchy’s Park from 2:00 to 4:00 so neighbors and neighborhood groups can get together and discuss various issues.

Councilor Wurzburger

Councilor Wurzburger reminded Councilors that tomorrow at 8:00 a.m. is the kickoff for the economic development summit.

Councilor Pfeffer

Councilor Pfeffer stated that, with respect to the Watershed Restoration Action Strategy, he will be working with the City Manager’s assistant, the Watershed Association, River Commission and others, to try to bring some form of the WRAS back through the process with the idea of seeing it incorporated as City policy in the General Plan.

Councilor Pfeffer stated that people appearing before the Council sometimes have various displays that the public cannot see on the TV cameras, and which Councilors can only partly see, and which block their view from the audience, etc. He said there is probably an architectural solution to that and asked the City Manager to explore options. He said the City of Albuquerque has overhead projections of items under discussion, and these are also visible to television viewers.

Councilor Coss

Councilor Coss asked about the status of the economic study for the living wage ordinance.

Mr. Romero responded that the City has been talking with Dr. Lee Reynis of BBER in Albuquerque, and she has submitted a proposal with a time frame and cost, and the City has countered that because the initial proposal was for \$45,000 and he has signature authority up to \$20,000. He stated that he hopes to have a proposal by the end of this week to have Dr. Reynis on board to start the living wage impact study.

Mr. Romero said he has also received direction from Councilor Wurzbarger to get several Councilors together to meet with Dr. Reynis sometime next week to discuss what type of criteria and scope of work she should be looking at.

Councilor Coss stated that, when the River Coordinator left, there was a project that the Forest Guardians were doing along the river, and the Council had passed a resolution calling for a review team to look into that and formulate recommendations for review by the residents in La Cieneguilla. He said that seems to have not happened, and it appears the window for doing anything along the river will be missed this spring. He stated that he will probably need to bring forward a resolution to extend their time on the river. He said he would like that scientific team appointed as soon as possible.

ADJOURN

Its business completed, the Governing Body adjourned the meeting at approximately 11:00 p.m.

Approved by:

Mayor Larry A. Delgado

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully Submitted:

Judith S. Beatty, City Council Reporter